The legislatures, legislative oversight and crisis of governance in democratizing Nigeria: a prebendalist perspective

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Abstract

This article, which is based on desk analysis, examines the legislative oversight roles of the legislatures in democratizing Nigeria against the backdrop of the seeming crisis of governance. It observes that the legislatures and their functionaries in Nigeria's Fourth Republic, especially at the national level, have performed abysmally in discharging their oversight roles, resulting in a crisis of governance. The essay concludes that as long as the Nigerian post-colonial rentier state and existing democratic institutions, the legislatures included, remain trapped in the prebendal orbit, the journey towards democratic accountability and by extension dividends of democracy, may continue to be a tortuous one.

Keywords: Democracy, the legislature, horizontal accountability, neo-patrimonialism, prebendalism

Introduction

> *Every man invested with power is apt to abuse it, and to carry authority as far as it will go. To preserve political liberty, the Constitution should ensure that the power of one branch of government should not be exercised by the same person(s) which possess the power of another branch (Montesquieu 1976:4)*

The above quote from Baron Montesquieu, one of the pioneering thinkers on constitutional democracy, captures the pivotal role of the legislature in a democracy. Put differently, it highlights the fact that the legislature exists in a democracy to check the likely arbitrariness of the other two organs of government, especially the executive (Merkel 2006). Indeed, to Montesquieu and his contemporary heirs, a mono-centric

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concentration of governmental power, in one institution, as well as absence of the legislature, are not only injurious to the health of the body politik but also detrimental to the good life (Basiru 2014). Although, contemporary constitutional democracies may not exactly mimic the Montesquieuan framework *into to* but the various mechanisms embedded in most constitutions of the world today are further testaments that the Montesquieu doctrine, enunciated about three centuries ago, is still alive (see Jibo 2000). Indeed, in today's world the issue would no longer seem to be whether the legislature is a sacrosanct democratic institution or not, but rather would become of governance in the absence of the legislature (Saliu & Bakare 2016:1). To be sure, what would seem to distinguish an autocratic political order from a democratic one is the existence of the legislative arm of government.

In the post-Cold War era, the legislatures, especially in hitherto authoritarian countries, have not only emerged as major governmental institutions for watching over the activities of the executives, but also and most importantly, the enablers of good governance (see Fish 2006). However, while the legislatures are increasingly performing this historic role of curtailing the tyrannies of the executives, in addition to the roles of law-making and representation, in transitional states, what seems applicable in most African countries is the complete opposite of this state of affairs. In fact, a keen observation of the political scenes in Africa since the commencement of the democratic third wave, shows that, despite constitutional guarantees of legislative autonomy, the legislatures are, in most cases, caricatures of the powerful executives (Bakare 2014). Evidently, this development would appear to have had attendant implications for governance on the continent (Buadi 2002). As reported by the African Governance Report for 2005, "in terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness in many African parliaments'' (UNECA 2005: 127).

In Nigeria, the focus of this study, the legislatures and their functionaries at both the centre and the peripheries of the federation since the rebirth of democracy in 1999, would appear to have acted in a manner not in line with the dictates of horizontal accountability (see Jinadu 2010).

It is against this background that this article examines the oversight roles of the legislatures in democratizing Nigeria. In the last few years, there have been a plethora of works by scholars on executive-legislature relations in general and legislative oversight in particular (Aiyede 2005; Okoosi-Simbine 2010; Momodu & Matudi 2013). However, while the majority of them may no doubt have enriched literature with illuminating perspectives, yet, scant attention would appear to have been paid to the prebendal context that tends to drive legislative behaviour. The significance of this study is therefore predicated on deepening the discourse in this area. Why do the legislatures and their functionaries in Nigeria's Fourth Republic tend not to be governanceoriented? What are the politico-historical forces that have nurtured such state of affairs?

This article critically engages these questions with a view to explaining the problematique and suggesting the way forward. In furtherance of this objective, the article is partitioned into six broad sections. This introductory preamble establishes the background and the rationale for the discourse. It is followed by Section Two which presents the conceptual framework of analysis. Specifically, the section clarifies and

contextualizes the concepts that are germane to this study. This is followed by the third section which historicizes Nigeria's legislative history. The aim here is to put in perspective the past constitutional cum political systems that might have influenced the character of the legislatures in the Fourth republic. The section that follows x-rays the terrains of executive-legislative relations at the federal level in Nigeria with special emphasis on public budgets. Section Five explains the politico-historical variables that have shaped legislative behaviour in Nigeria. The sixth section concludes the article.

Conceptual framework

To avoid misinterpretation, certain concepts germane to this study are elucidated. In the words of Rubin & Babbie (1989:12), "we specify what we mean when we use particular terms for the purpose of facilitating their contextual operationalization and comprehension". This study requires understanding concepts as a framework of analysis. Thus, of central significance to this article and chosen for elucidation are: "the legislature", "legislative oversight" and "prebendalism". As regards the first from the list, despite being generally described as an arm of government constitutionally charged with the function of law-making in society, it has been defined from various standpoints. For instance, Okoosi-Simbine (2010:1) views it as "the institutional body responsible for making laws for a nation and one through which the collective will of the people or part of it is articulated, expressed and implemented".

At another level, Ihedioha (2012:3) defined it as an assemblage of the representatives of the people elected under a legal framework to make laws for the good health of the society. In his contribution to literature, Farlex (2016:4) considers it as the source of popular sovereignty by which some representatives were elected to serve the people on the basis of their constituents' needs. However, the foregoing definitional perspectives point out the major definitional features of the legislature: law-making and representation — but other features are missing. In the light of this and also given the fact that the nature of the legislature, especially in pseudo-democracies, is often difficult to grasp.What is suggested here is that rather than searching for an all embracing definition of the 'legislature', efforts should be made to identify its defining characteristics. Polsby (cited in Omenka 2008:64) defines the legislature characteristically as follows:

- formal assemblies;
- official, rather than private bodies;
- members are popularly elected;
- members meet, deliberate and act collectively as formal equals;
- their formal enactments are officially binding on a population to which they are accountable and from whom their legitimacy emanates.

Capturing the Polsbyian perspective, Mezey (1980:6) conceives the legislature as a predominantly elected body of people that acts collegially and has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity. Flowing from the foregoing clarifications, it is clear that the legislature is defined by the cardinal functions that it performs in a democracy which includes: law-making, representation, oversight and budgeting. Piecing these together, Bakare (2016:4) writes, "the legislature is statutorily recognized by the constitution to make laws, represent the interests of the people, scrutinize policies and approve budgets among other functions for good governance". It is however instructive

to note that of the four cardinal functions of the legislature, only two connect it to the executive arm of government, namely oversight and budgeting. To be sure, it is by dispensing these two functions that it monitors and checks the activities of the executive. However, the concept of "legislative oversight" is of concern in this article.

Legislative oversight

Suffice to stress that the concept of "legislative oversight" comes under the conceptual umbrella of "horizontal accountability". Conceptually and broadly speaking, horizontal accountability encompasses any kind of control performed by state institutions designed to constrain arbitrary power, and to discourage abuses and illegalities perpetrated by the state itself. Simply put, it depicts how the three core organs of the state monitor and check the powers and the activities of one another (Basiru 2018:133). Specifically, legislative oversight, a sub-set of horizontal accountability, is depicted as the supervision of the executive's actions, for which legislatures can count on mechanisms, such as hearings, summoning of ministers, resolutions of inquiry, special investigatory committees, and confirmation process, among others (see Aberbach 1990).

To be sure, it is the power invested in the legislative arm of government to bring the executive and its functionaries to account. According to Osumah (2014:121), it is the process by which a legislative body takes an active role in understanding and monitoring the performance of government concerning the application of legislation to its other primary functions of law-making and public policy formulation, setting budgets, and raising revenues. What is being averred here is that legislative oversight involves the monitoring of the actions and conducts of the executive regarding the enforcement of legislations. Beyond this, as Osumah (2014:122) further notes, it also involves checking all acts of corruption and profligacy on the part of the executive.

Indeed, Section 88 (2b) of the 1999 Constitution for the Federal Republic of Nigeria stipulates: "expose corruption, inefficiency or waste in the execution or administration of laws within [their] legislative competence and in the disbursement or administration of funds appropriated by [them]" (FRN 1999). Viewed against the foregoing context therefore and for the purpose of this discourse, legislative oversight would suggest the act of watching over the executive for the purpose of ensuring that it is accountable to the constitution and the citizens of the country.

Specifically, Jibo (2000:1) surmises three mechanisms through which legislative oversight is instrumentalized in a democracy. One, by the 'question time' in the open assembly, in which case policy-makers are required to make explanations on certain policies made, or decisions or actions taken[3]. Two, the legislative committees could call government functionaries to account for their actions, conduct investigations on polices, and make recommendations either to the full house or to the government. Three, debates carried out within the legislative house itself serve to focus attention on the actions of the government and thereby make government act more transparently.

[3] . This mechanism is synonymous with the parliamentary system of government in which a cabinet minister who is also a member of the legislature is asked to explain certain policies, especially those pertaining to his department.

On prebendalism

The concept of prebendalism[4] has been the object of different interpretations. However, it has to be stressed that it is often conflated with the concept of neo-patrimonialism which, as will soon be shown, has a different meaning. Therefore, given the tendency to conflate the two concepts, it is germane for the purpose of this discourse to first examine the concept of neo-patrimonialism. To be sure, since its first use by Eisenstadt (1973), the concept of neo-patrimonialism has been viewed from different standpoints by scholars (see Le Vine 1980; Médard 1982; Theobald 1982; Bratton & van de Walle 1994; Englebert 2000). However, while these various formulations are no doubt illuminating, those of Clapham (1985), Bratton and van de Walle (1997) and Erdmann &

Engel (2006) are instructive for our purposes in this study. According to Clapham (1985:48), *neopatrimonialism is a form of organisation in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines. Officials hold positions in bureaucratic organisations with powers which are formally defined, but exercise those powers, so far as they can, as a form not of public service but of private property.*

Contributing to the discourse on neo-patrimonialism, Bratton & van de Walle (1997:62) posit: "to characterize as neopatrimonial those hybrid regimes in which the customs and patterns or patrimonialism co-exist with, and suffuse, rational-legal institutions". Relatedly, but in a more elaborate manner, Erdmann and Engel (2006: 18-19) write, *neo-patrimonialism takes place within the framework of, and with the claim to, legalrational bureaucracy or "modern" stateness. Formal structures and rules do exist, although in practice, the separation of the private and public sphere is not always observed. In other words, two systems exist next to each other, the patrimonial of the personal relations, and the legal rational of the bureaucracy. Naturally these spheres are not isolated from each other; quite to the contrary, they permeate each other; or more precisely, the patrimonial penetrates the legal-rational system and twists its logic, functions, and effects.*

What could be deduced from the foregoing definitional perspectives is that neo-patrimonialism is a political order characterized by the hybridization and inter-penetration of the traditional and legal rational modes of governance. Now, we turn to the concept of prebendalism. However, it has to be stressed that while the concept of neo-patrimonialism has received wide usage, this is not the case with the concept of prebendalism (Joseph 2013:7). This notwithstanding, the definitional perspective of Richard Joseph, who is credited as the first scholars to deploy the concept to describe the character of politics in Nigeria, is germane to this discourse. According to

Joseph (1987:52),

> *it is the pattern of political behaviour which reflects, as its justifying principle, that the offices of the state may be competed for and then utilized for the personal benefit of the office holders as well as that of their reference or support groups. To a significant extent, the 'state' in such a*

[4] . The concept had its genesis in medieval Catholicism and was first deployed by Max Weber to describe political practice in China and India in the middle ages.

context is perceived as a congeries of offices susceptible to individual cum communal appropriation. The statutory purposes of such offices become a matter of secondary concern, however much that purpose might have been codified in law or other regulations or even periodically cited during competitions to fill them.

Pointedly, Ugwuani and Nwokedi (2015) have presented us with the two lenses through which Joseph's classical definition of prebendalism could be navigated. The first according to them is a situation where political offices are regarded as prebends that can be appropriated by their holders and actually used as such to generate material benefit for themselves. Secondly, they surmise that Joseph's view could also be construed as political clientele in which people ascend to political offices through the active support of powerbrokers (political God Fathers), ethnic or kin groups who must be rewarded in sundry ways including using the trappings of such office. Either way, what prebendalism would seem to suggest is a political practice in which public office-holders utilize and deploy their official positions to advance personal gains or to promote groups' interests. Summing this up, van de Walle refers to "practices in which important state agents unambiguously subvert the rule of law for personal gain" (quoted in Joseph 2013:14).

The pre-1999 politico-constitutional development in Nigeria

The history of the legislature and by extension the history of modern politics and constitutionmaking in Nigeria could be better understood against the background of the evolution of the Nigerian nation-state (see Basiru 2010). Nigeria, a land of 374 ethnic groups (Nnoli 1995: 27), inhabiting an area of 913,027.64 square kilometers (Osuntokun 1979:92), like other post-colonial African States, was the creation of British imperialism. Indeed, British penetration of Nigeria began with the annexation of Lagos, in 1860, on the grounds of stopping the slave trade. It ended with the seizure of what is today known as Nigeria (Azikwe 1978:7). It must however be stressed that while the process commenced in 1861, it was not until 1914 that the process of constitutionalization effectively began[5] (see Lugard 1926; Coleman 1958; Oluyede 1992; Okon 2004).

To be sure, the advent of the constitution marked the arrival of the legislature on the country's political scene. Although the Lugard Council laid the foundation for legislative development in Nigeria, the real atttempt at indigenizing legislative representation took place under the Clifford constitution of 1922, when elective principles were introduced to elect Africans into the central legislative council (Momoh 2000:56). Taking a clue from the Clifford constitution, subsequent constitutions did create legislative structures to make laws for order and government of the country. However, it is instructive to note that the character of each legislature, following each constitutional engineering effort, was mainly shaped by the manner in which the constitution itself was brought about on the one hand and on the other hand by the attitude of the regime that has midwifed it (Basiru 2010: 105-116). The point being made here is that constitutions in Nigeria, including the existing one, are not autochotonous as they were elite-driven rather than people-driven. Put differently, the

[5] . The legal instruments that laid the foundation for the formation of the Nigerian state were: The (Nigeria Council) Order- in-Council 1912, the Nigerian Protectorate Order-in-Council 1913 and Latent Patents of 1913.

ruling elites have always assumed the prime responsibility for drawing up constitutions for the country. In such endeavours, the tendency has always been to strengthen the executives at the expense of the legislatures[6]. This was noticeble during the transitions that ushered in the First, Second and Fourth Republics.

Instructively, the executives in these dispensations became omnipresent and acted, with the support of cronies, to pursue agendas that were not in accordance with the wishes of the people. For example, during the first republic, despite the embeddedness of parliamentary oversight in the 1960 constitution, the parliament hardly checked the executive. In the words of Mackintosh (1966:113):

> *The legislature had only three working committees, which largely served administrative and business roles. There was little expertise in specific policy areas. The First Parliament was an anemic political body, never serving more than 54 days in any year. Both chambers were generally quiescent toward the executive and rarely initiated law.*

It is instructive to note that the same pattern, though with little institutional modification, was repeated in the Second Republic. During the Republic, the National legislature, though retaining its structure of representation, apportioned by state population in the House of Representatives, and by uniform seats for each state in the Senate, had a relatively weak structure. To be sure, executive preferences shaped the political agenda and more importantly, the legislature did not exercise significant oversight of the executive or other government operations (see Akande 1982). Suffice it to stress here that the Second Republic, with its constitutional edifice, collapsed on the 31 December 1983, following a *coup d'etat*. This marked the end of the Repulics. Why and how it collapsed needs no rehash here as gallons of ink have been spilled by scholars of Nigerian politics (see Falola & Ihonbvre 1985; Joseph 1987).

Consequently, between 1984 and 1999, the military rulers experimented with different political models, but General Babangida's model of a new political order was legendary and needs brief illustration. The General, in his first major address to the nation, on the occasion of the silver jubilee independence anniversary of the country on 1 October, 1985, announced his administration intention to "begin a most vigorous search for a new political order capable of ensuring sustained economic growth and social development … With this in mind, we shall in the course of 1986 announce a political programme for the country" (*Daily Times* 02/10/ 1985).

True to his word, he set out to achieve this goal. The first step was the inauguration of the Political Bureau on 13 January, 1986 (*Daily Times* 14/01/ 1986). Aside from the Bureau, there were other transition agencies: the Constitution Review Committee (CRC), the Constituent Assembly (CA), the National Electoral Commission (NEC). With these institutions in place, the regime was able to convince both the public and the international community of its desire to hand over power to civilian rule in 1990; a date which the regime changed, first to 1992 and then to 1993.

With the successful implementation of the programme at the local and the state levels as well as the inauguration of the National Assembly, expectations were high that on 27 August, 1993, presidential democracy would gain a foothold in Nigeria. Thus, hopes were high on 12 June 1993, when Nigerians went to vote in a nationwide

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[6] . The military rulers like their colonial overlords believed that the executive being the centre of patronage must be strengthened against the legislature.

presidential election to choose between Chief M.K.O Abiola, the SDP flagbearer and that of the NRC, Alhaji Bashir Tofa (*Daily Times*, 13/ 06/93). At the end of polling, the unofficial result showed that Abiola had won a majority in nineteen states but while the nation awaited the official result, on 23 June 1993, a spanner was thrown in the works. On that day, General Babangida annulled the election that was adjudged the freest in the country's history, for inexplicable reasons (Tell 26/06/1993). He did not only annul the election but also truncated the eight-year transition programme. Justifying his action in a nationwide broadcast on 26 June 1993, he had said: *to continue action on the basis of the June 12, 1993 election, and to proclaim and swear in a president who encouraged a campaign of divide and rule amongst our various ethnic groups would have been detrimental to the survival of the Third Republic. Our need is for peace, stability and continuity of policies in the interest of all our people (Sunday Sketch 27/06/93).*

As expected, the cancellation of the election provoked nationwide condemnation and ignited protests and violence that lasted for weeks. In his reaction to the annulment, the 'undeclared' winner of the election, Chief Moshood Abiola, publicly declared, "I might embark on the programme of civil disobedience in the country. If those who make the law disobey the law, why I obey it? There is a limit to the authenticity one could expect from a military ruler who is obviously anxious to hang on to power" (TSM 11/07/ 1993).

Indeed, the orgy of violence prompted a mounting exodus from the major cities, as southern ethnic groups (most especially the Ibos), fearing a reccurrence of the communal purges which had preceded the 1967 Civil War, fled to their home regions (Ojo 2004: 71). As recalled by Professor Ben Nwabueze:

> *The annulment of the June 12 presidential election plunged the country into what indisputably is the greatest political crisis in its 33 years' life as an independent nation. Never before, except during the murderous confrontation of 1966-1970, had the survival of Nigeria as one political entity been in more serious danger. The impasse created was certainly unequalled by anything the country had experienced before (Nwabueze 1994)*

In the ensuing crisis, Babangida made an inglorious exit from office after swearing-in a hand-picked Interim National Government, headed by Chief Ernest Shonekan on 26 August 1993 (Ojo 2004:67)[7]. Strikes and protests however persisted, prompting another *coup d'etat* led by General Sani Abacha who took power on 17 November, 1993. Needless to say, the advent of Abacha's regime marked the end of all constitutional structures erected by the regime of General Babangida. Under General Abacha, the politics of transition continued with new approach and styles (see Diamond *et al.* 1996; Oyediran & Agbaje 1999; Onuoha & Fadakinte 2002). Indeed, the politics of transition was replaced with that of self-succession. General Abacha used many strategies to remain in power but unfortunately he passed away on 4 June, 1998. The next regime, that of General Abdulsalam Abubakar, immediately began a process of confident building and it was not long before the regime began to enjoy the

[7] . It was estimated that General Babangida's aborted transition cost the Nation about 40 billion naira.

goodwill of the domestic constituencies and the international community (Fawole 1999).

General Abubakar, in order to distance his regime from his predecessor, promptly dismantled all existing democratic structures already in place. This was to pave the way for the implementation of a revised transition programme. In the midst of all this, the regime sought and was given an audience in western capitals and this marked the country's slow and steady reintegration into the mainstream of world politics. With some modicum of legitimacy, the regime faithfully implemented a modest transition progamme that culminated in democracy on 29 May 1999.

Of particular importance was the 1999 constitution which was largely modelled on the 1979 charter[8], maintaining the presidential system with an expanded federal structure of thirty-six (36) states. The bicameral legislature was preserved, with single-member districts elected at four-year intervals concurrent with the presidential vote. The House of Representatives was allotted 360 seats among the 36 states, with seats allotted by relative population, and the Senate had 109 seats, three per state and one for the Federal Capital Territory (FRN 1999). With the new constitutional order, the stage was set for another era of executive-legislature interaction at both the centre and peripheries of the Nigerian federation. It is to the discussion of these relations that the article now turns.

Legislature-executive relations in Nigeria's Fourth Republic: A conspectus

Prior to 29 May, 1999, the legislatures at both the federal and state levels, as Aiyede (2006:152) remarks, were shut down. However, the 1999 constitution, drawing inspiration from that of 1979, provided for a clear separation of powers and functions between the three arms of government. Section 5(1) primarily vests the executive power of the Federal Government in the president; such power extended to the maintenance of the constitution as well as all laws made by the National Assembly[9]. Sections 4 (1) and (2) of the same constitution confer on the National Assembly, the federal legislature, the power to make "laws for peace, order, and good government of the federation or any matter included in the exclusive legislative list of the constitution."[2]. Additionally, Section 88 and 89 grant the National Assembly power to conduct investigation as well as the powers to take evidence and summon any person in Nigeria to give evidence.[10] Section 6 of the constitution vested the judicial powers in the courts.[11] Specifically, Section 6 empowers the courts to determine the legality and constitutionality of the other two branches.

With these constitutional provisions, the executive and the legislature at the centre, was expected, in the spirit of co-operation, to work harmoniously for the

[8] . The process of making the 1999 constitution was not markedly different from those of the past.The majority of the citizens did not participate in its making.

[9] . Section 5(1), Constitution of the Federal Republic of Nigeria, 1999 2. Section 4(1) & (2), *idem*.

[10] . Section 88 & 89, *idem*.

[11] . Section 6(1) *idem*.

common good.[12] However, the optimism soon gave way to pessimism as the relationships between the National Assembly and the Presidency, the arrowhead of the executive, did not become acrimonous but were often influenced by prebendalist and clientelistic considerations (Basiru 2014:94). Although gridlock in executive-legislative relations, as Linz (1993: 108), remarks, is not pathological, the way and manner in which it played out in the Fourth Republic would appear to have made many observers doubt the country's claim to democracy (see Aiyede, 2005; Yagboyaju, 2010). Indeed, one area in which the acrimony has been most pronounced is public budgeting, as Eminue Okon remarked during the hey-day of the Obasanjo's presidency in 2006.

Since President Olusegun Obasanjo assumed (or resumed) the leadership of Nigeria in 1999, virtually no budget has been passed without altercation between the Executive and the Legislature. Passing the Annual Appropriation Bill when the year has literally run out has been a notorious practice under Obasanjo's democratic dispensation (Okon 2006:160-1).

However, it is instructive to note that though there are often other areas of conflict between the two organs,[13] in most cases, it centred on money (*The Comet* 28/05/ 2000). Indeed, since the return of the country to democracy on 29 May, 1999, there have been several instances in which the executive and the National Assembly engaged in needless gridlocks over the issue of budget. The first occurred barely eight months into the Fourth Republic. The first budget proposal that was prepared and submitted by the executive to the National Assembly, in December 1999, included a provision of 2.6 billion Naira out of a budget total of about 500 billion naira for the running of the Assembly during the 2000 fiscal year. However, the Assembly rejected this because the proposal impinged on the principle of the separation of powers. As an autonomous body, contends the leadership of the National Assembly, it has the constitutional right to prepare its own budget without consulting with the executive (Tell 24/04.2000). The President, on the other hand, considered the actions of the Assembly a breach of the checks and balances principles.

Specifically, President Obasanjo queried the action of the legislature insisting that it is the responsibility of the executive to provide for the needs of the legislature. To be sure, each camp believed that it acted within the purview of the constitution. Interestingly, while the supremacy game lasted, each side deployed different strategies. On the part of the National Assembly, among the strategies adopted during Obasanjo's regime was the threat of impeachment (Omotola 2006). The Presidency, on the other hand, was alleged to have relied on inducement, bribes, co-optation and threats to deal with the Assembly (Tell 07/10/2002; *The News* 02/ 09/ 2002). Putting the President's tactics in the public domain, Pius Anyim, the Senate president, while delivering his valedictory address in 2003, stated that, "Ghana-Must-Go bags only came to the Assembly from outside whenever there was an effort to impeach the leadership of the Assembly" (Aiyede 2005:67).

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[12] . In practice, the principle of separation of power hardly materializes. It has, thus, been modified by giving each organ the powers and functions, which are counterpoised.

[13] . The two actors also disagreed on the passage of ICPC and NDDC Bills in 2002. President Obasanjo vetoed the two bills but the National Assembly turned them into laws by a two-thirds majority.

Interestingly, similar trends have been observed in the relationships between the executives and the National Assembly since the exit of President Obasanjo from office in 2007. For instance, since 29 May 2015, when President Muhammadu Buhari of the All Progressive Party (APC) assumed the presidency, every budget cycle, despite the fact that his party is in the majority, executive-legislature relations have been characterized by acrimony and oftentimes, brickbats over issues bordering on a breach of public trust. Indeed, it would appear that the National Assembly, even before the current dispensations, had always regarded the yearly budget exercise as an opportunity to engage in prebendal rendezvous. In the 5th Senate (20032007) for instance, the Senate President was alleged to have collected a bribe of 55 million naira from the Minister of Education for the purpose of inflating the budgetary allocation to the Education ministry (Osumah 2014:135). Indeed, in the aftermath, both the alleged bribe-taker and giver lost their positions.

In the 7th National Assembly (2015-2019), the Hon. Abdul Mumim Jibril, the Chairman of the House of Representatives Committee, in 2016 publicly accused both chambers of the National Assembly of annually engaging in "budget padding"[14] in conjunction with some senior bureaucrats (*This Day* 2016), perhaps lending credence to the position of Hon. Jibril as the first president in the country's Fourth Republic, Olusegun Obasanjo who, barely a month after Hon Jibril's expose, openly castigated both chambers of the National Assembly as being an assemblage of thieves and robbers (Awela 2016:1).

This state of affairs would appear to have generated various antinomies, chief among which was the tendency of the legislature and its functionaries to prebendalize with the executive. By so doing, the National Assembly, the supposed platform for charting national developmental agenda for the country, became mired in a cesspool of corruption and patronage and thus eroded the sanctity of the legislature from being an effective check on the executive (Olojede 2006:278). Put differently, as the legislative chambers became arenas of prebendalism and corruption, horizontal accountability as enshrined in the constitution became a luxury (Basiru 2018:133).

The crux of the matter: the prebendal connection

As clearly demonstrated in the previous sections, the central legislature in Nigeria, like those at the sub-national levels, is weak and impotent. Instructively, there have been several scholarly attempts to explain the factors that may have been responsible for reasons the Legislatures have not really been central drivers of good governance in Nigeria (see Aiyede 2005, 2006; Omenka 2008; Ojo & Omotola 2014). However, what is proposed here is a perspective that links the problematic to prebendalization of politics. Put differently, this article recognizes this unique political model that tends to shape the behaviour of political actors that straddle state's institutions. The point here is that practices in legitimate state institutions in Nigeria and other neo-colonies tend to mirror neo-patrimonialism rather than legal-rationalism. Interestingly, this state of affairs had its roots in the country's colonial past. Put differently, the prebendal culture and other values that have tended to shape the character of politics and the behaviour of political actors running the legislatures and other democratic institutions in Nigeria and elsewhere in Africa had their origin in the precursor to the colonial state.

[14] . This is a word made popular by Hon. Abdulmumim Jibril when he publicly accused the two Chambers of the National Assembly of prebendalism.

To be sure, colonial overlords in Nigeria, aside from ensuring the mercantilist penetration and exploitation of resources for the benefit of the global capitalist core, created a state structure that did not only cage the erstwhile autochthonous ethnic groups into a single territory, but reinforced a non-hegemonic state which did not penetrate into the peripheries. Rather, it concentrated in the strategically and economically important regions with the result that there was an organic disconnect between the state and society (see Rothschild & Chazan 1988). In the words of Young (1988: 37), "the colonial state was alien to its core". Resultantly, it became engraved in the consciousness of the natives not only as "*force majeure*" as Ake (1981:62) sees it but a burdensome entity to be withdrawn from (Kawonishe 1992).

Consciously or unconsciously, the superintendents of the colonial state, in the process of opening the colonies up for capitalist penetration, liquidated the old social structures and values and in their stead invented new ones (Basiru 2013:75; Low & Lonsdale 1976:12). Ekeh (1975) in his "Two Public" thesis has demonstrated how colonialism in Africa created two conflicting values: the primordial values, embedded in the traditions of the natives and the civic values domiciled in the new states and bureaucracy. He contends that while the natives regarded the former as sacred and thus related with it, with respect, the latter was considered alien, anachronistic, and illegitimate. It was, thus, the realm to be looted and desecrated when the opportunities to do arose. In consequence, what was morally wrong in the primordial realm was considered morally right in the civic realm. As he puts it, "the apparent amoral disposition of members of the civil society in their dealing with the state in Africa is not underpinned by an inherent amorality in the people but a reaction to the amorality of the colonial state and its postcolonial successor".

The amorality of politics created by colonialism ebbed into the post-colonial era and had nurtured a prebendal political order and culture in which a few opportunistic elites that find themselves in state institutions, military, bureaucracy, parliament, etc., use the opportunity offered by the amoral state to engage in prebendalism not only for themselves and the networks of clients. Instructively, such ethos, during military regimes, in the absence of a written constitution, was affected via military logic, but under civilian regimes a new strategy was devised. Indeed, a new model of patron-client relationships where the members of the National Assembly, on the one hand, as the statement credited to the third Senate President in the Fourth Republic, referenced earlier indicated, prebendalized with the president. On the other hand, they deploy the power of oversight, granted them by the constitution, to plunder the nation's commonwealth for themselves and others in their patrimonial networks, in collaboration with other corrupt officers in the executive (Basiru 2014).

Concluding remarks

This article set out to critically examine the legislative oversight roles of the legislatures in democratizing Nigeria. To achieve this objective, it clarified concepts that are germane, reviewed existing literature, historicized Nigeria's legislative history and provided an explanatory framework for understanding why the legislatures and their functionaries in Nigeria's Fourth Republic often act to the detriment of the country. From these reviews and analyses, it was revealed that the legislatures and their functionaries in Nigeria's Fourth Republic, especially at the national level, have performed abysmally in discharging their oversight roles, resulting in a crisis of

governance. This is the converse of what is obtainable in advanced democracies in which the legislatures and legislators do not only make governance-oriented laws but also discharge the historic horizontal accountability roles of checking the executive in line with the Montesquieuan prescription.

The article further explained how abysmal performance in the oversight sector by the legislatures and their functionaries in Nigeria's Fourth Republic have been shaped by the prebendal character of the Nigerian state, whose foundation was laid under colonialism. A prebendalist political culture on which legislative corruption has thrived over the years was incubated within this colonial structure. The essay concluded that, as long as the Nigerian postcolonial rentier state and existing democratic institutions, the legislatures inclusive, remain trapped in the prebendal orbit, the journey towards democratic accountability and by extension, dividends of democracy, may continue to be a tortuous one.

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